

# ReedSmith

OF

Robert H. Bernstein  
Direct Phone: 973.621.3206  
Email: rbernstein@reedsmith.com

Reed Smith LLP  
The Legal Center  
One Riverfront Plaza  
Newark, NJ 07102-5401  
973.621.3200  
Fax 973.621.3199

September 1, 2006

**VIA FACSIMILE (718-613-2386)**

The Honorable Allyne R. Ross  
U.S. District Judge (E.D.N.Y.)  
225 Cadman Plaza East  
Brooklyn, New York 11201

*Application granted. Counsel are requested to confer to determine whether the court may vacate the entry of default on consent before any briefing of the motion.*

Re: **Donald Wulbrecht v. Holt, Rinehart and Winston, Inc.**  
**Civil Action No. 06-0175 (ARR/CLP)**

*S. J. Picco*

Dear Judge Ross:

This firm represents Harcourt, Inc. ("Harcourt"). The named defendant in this suit, Holt, Rinehart and Winston, Inc., was merged into Harcourt Brace & Company (which later changed its name to Harcourt, Inc.) effective October 31, 1996.

Briefly, Harcourt first received notice of this action on August 30, when it received a copy of plaintiff's Motion for Default Judgment. Harcourt did not receive notice of this action earlier because plaintiff never properly served the Complaint. The Complaint appears to have been sent, via courier, to an incorrect address and merely handed to a receptionist, an individual clearly not authorized to accept service on the Company's behalf. As plaintiff failed to properly effect service of the Complaint, Harcourt respectfully requests that it be given 30 days, or until October 5, to respond to plaintiff's Motion for Default Judgment.

Thank you for your Honor's attention to this matter.

Respectfully,



Robert H. Bernstein

RHB:gmp

cc: Robert J. Valli, Jr., Esq. (via facsimile: 516-747-5024)

NEW YORK • LONDON • LOS ANGELES • PARIS • SAN FRANCISCO • WASHINGTON, D.C. • PHILADELPHIA • PITTSBURGH • OAKLAND  
MUNICH • PRINCETON • FALLS CHURCH • WILMINGTON • NEWARK • MIDLANDS, U.K. • CENTURY CITY • RICHMOND • LEESBURG

reedsmith.com

Steven J. Picco • Office Administrative Partner • A Limited Liability Partnership formed in the State of Delaware

NWKLIB-97678.1